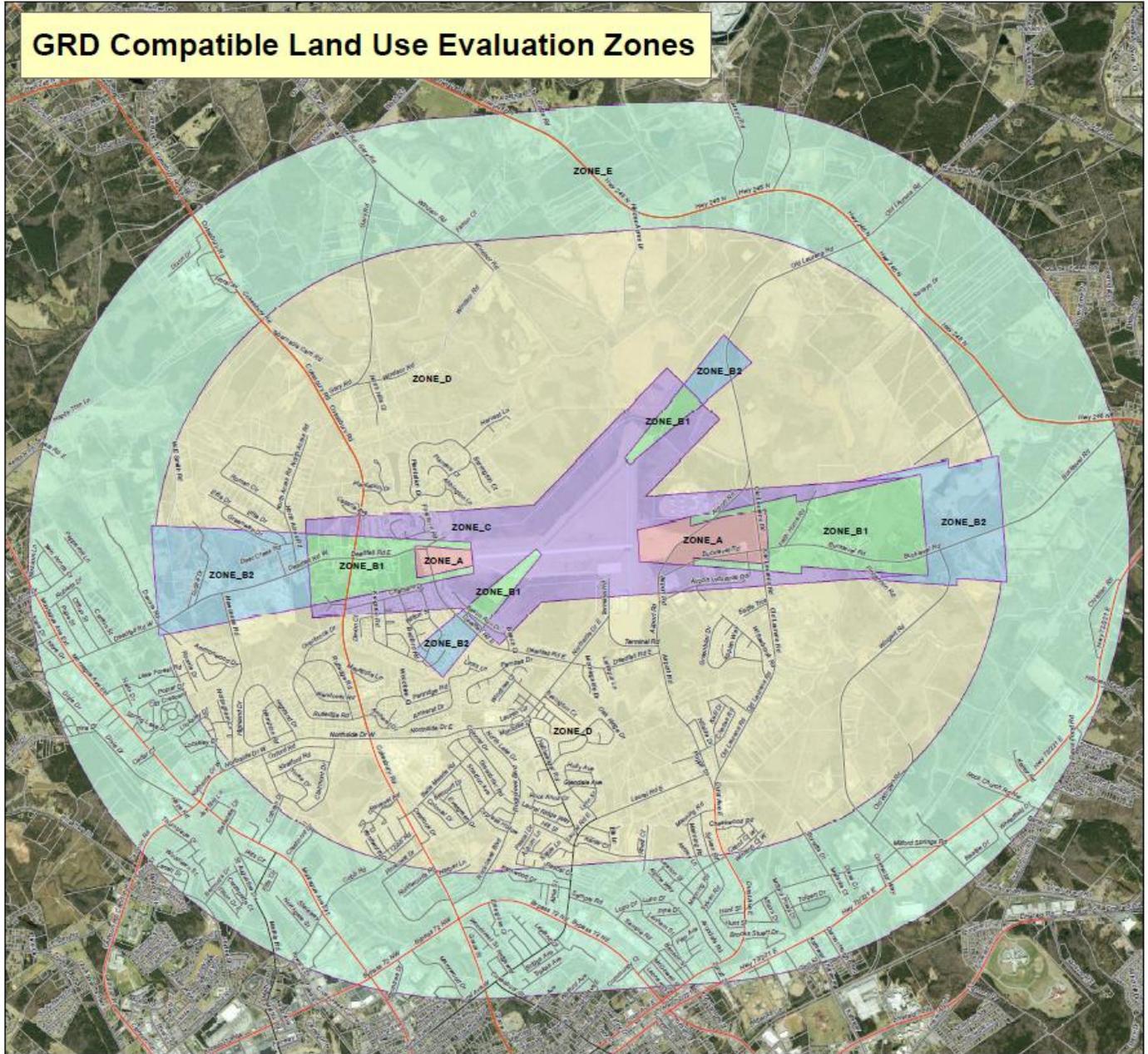


<b>Application Number:</b>	<b>R-17-09-03</b>
<b>Applicant:</b>	<b>Greenwood County</b>

Location Address:	Multiple Addresses	Jurisdiction:	Greenwood County
Property Owner (s):	Multiple Owners	Council District:	Districts 3,4,5,6,7
GPIN #:	Multiple Numbers	Planning Area:	Greenwood
Current Land Use:	Multiple Uses	High School Zone:	Greenwood High
Proposed Land Use:	N/A	Middle School Zone:	Northside, Brewer
Current Zoning District:	Multiple Districts	Elementary School Zone:	Hodges, Rice, Pinecrest, Merrywood, Lakeview
Proposed Zoning District:	N/A	Lot Size:	Multiple Sizes
Surrounding Zoning/Land Use:			
North -	N/A	East -	N/A
South -	N/A	West -	N/A

Site:



**Analysis:**

This is a request by the Greenwood City/County Engineering Department for a map and text amendment regarding the Greenwood County Airport Regulations, Article F. of the Greenwood County Zoning Ordinance. The S.C. Aeronautics Commission has recommended modifications to the current airport zoning ordinance that include use restrictions as well as height restrictions to protect air traffic.

The proposed amendment would offer the following changes to the Greenwood County Airport Regulations of the Greenwood County Zoning Ordinance:

- Development would be restricted in the approach zones of the two active runways in an effort to minimize risk of aircraft crashes that lead to the loss of life.
- Storm water ponds would be prohibited within a certain radius to reduce the potential of accidents caused by waterfowl/aircraft collisions.
- Trees above the maximum height restriction would be required to be trimmed or removed at the owners' expense
- The owner of any existing non-conforming structure would be required to install and maintain lights and/or aviation markers at the owners' expense.
- New residential subdivisions within a certain radius would require a Residential Fair Disclosure statement in new purchase contracts or rental agreements.

**Application Number: R-17-09-03**

**Applicant: Greenwood County**

**Recommendations:**

<i>Staff:</i>	Recommends approval of the request.
<i>Zoning Committee;</i>	Recommends approval of the request.
<i>Planning Commission:</i>	Recommends approval of the request with the inclusion of more specific language related to the Residential Fair Disclosure statement.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENWOOD )

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE GREENWOOD COUNTY ZONING ORDINANCE, BEING ORDINANCE 13-86, AS AND IF AMENDED, SO THAT THE AIRPORT REGULATIONS ARE AMENDED AS INDICATED

WHEREAS, the Greenwood County Council wishes to periodically amend the Greenwood County Zoning Ordinance;

WHEREAS, the Greenwood County Joint Planning Commission did pursuant to law hold a public hearing on Tuesday, September 26, 2017 and did by its certificate recommend approval and that the zoning ordinance of Greenwood County be amended as indicated below; and,

WHEREAS, the Greenwood County Council is authorized by law to adopt the zoning ordinance or to amend same.

NOW, THEREFORE, BE IT ORDAINED by Greenwood County Council:

SECTION I.

**Section 6-3-81. Purpose of article.**

The regulations set forth in this article are designed to protect, promote and improve the public safety and general welfare by preventing the location of structures or natural growth which would constitute hazards or obstructions to aircraft operating in the vicinity of the county airport. Through these regulations a general compatibility between use of property within the airport and in the vicinity thereof can effectively be brought about.

**Section 6-3-82. Jurisdiction.**

This ordinance shall be applicable to the area designated within Greenwood County in the vicinity of the Greenwood County Airport as shown on maps entitled Greenwood County Airport Part 77 Airspace Zones and Land Use Zones Maps as maintained by the Greenwood County Planning and Engineering Departments and herein made a part of this ordinance.

**Section 6-3-83. Interpretations.**

The following words shall be interpreted as specified below:

- (1) The word "may" is permissive.
- (2) The words "shall" and "will" are mandatory.

- (3) The word "County" shall mean the County of Greenwood, South Carolina.
- (4) The words "County Aeronautics Commission" shall refer to the Greenwood County Aeronautics Commission.
- (5) The words "Planning Department" and "Engineering Department" shall refer to the Greenwood County Planning Department, and to the Greenwood County Engineering Department, respectively.
- (6) The words "County Council" shall refer to the Greenwood County Council.
- (7) The word "person" shall include firm, organization, association, company, trust, corporation or other entity.
- (8) The words "used" or "occupied" includes intended, designed and arranged.

#### **Section 6-3-84. Definitions.**

The following words and phrases shall have the meanings respectively ascribed to them by this section:

- (1) Airport means the Greenwood County Airport.
- (2) Airport Elevation means the highest point of an airport's usable landing area measured in feet (tenths) from mean sea level.
- (3) Airport Obstruction means any living or man-made structure or tree which obstructs the aerial approaches of the airport exceeding the maximum height of structures permitted in the airport operation area or is otherwise hazardous to its use for landing or taking off.
- (4) Airport Operation Area refers to all zones established in this Ordinance.
- (5) Avigation Easement means ownership of the right of imposition upon such property of overflight, excessive noise, vibration, smoke, dust, vapors, and particulates due to the operation of aircraft to and from the airport. Also includes the right or requirement to remove airport obstructions on said property.
- (6) Conditional Use (Special) Permit: A permit issued by the Planning Department that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance as well as any additional requirements imposed by the Planning Commission (refer to 'C' Conditional Use in Land Use Matrix Table).
- (7) Enforcement Officer shall mean an individual or individual of the Greenwood County Planning Department with authority to enforce this ordinance.
- (8) FAA means Federal Aviation Administration.
- (9) FAR means Federal Aviation Regulation.
- (10) Height means the vertical distance from the ground elevation to the highest point of a structure or tree, including any appurtenance thereon expressed as feet above mean sea level (MSL).
- (11) Height limitations means no structure or tree shall be erected, altered, allowed to grow or maintained in any airport surface zone, with a height in excess of the height established for such zone. An area located in more than one of the

following zones is considered to be only in the zone with the more restrictive height limitation.

- (12) Land Use Compatibility means the use of land adjacent to the Greenwood County Airport that does not endanger the health, safety, or welfare of the owners' occupants, or users of the land.
- (13) Lot means a portion of a subdivision, plat or parcel with boundaries established as a separate legal entity recorded with the County Register of Deeds.
- (14) Nonconforming Structure means any structure or tree which does not conform to this Ordinance as of the effective date of these regulations.
- (15) Nonconforming Use means any structure or use of land which is inconsistent with the provisions of this Ordinance as of the effective date of these regulations.
- (16) Open Space means an area, land or water, generally lacking in man-made structures and reserved for enjoyment in its unaltered state.
- (17) Permitted Use means the associated land use groups are at a level of intensity or density, or location, which is not considered to present a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use (refer to 'Y' Conditional Use in Land Use Matrix Table).
- (18) Precision Instrument Runway means a runway end having instrument approach procedure utilizing air navigation facilities with horizontal and vertical guidance, or area type navigation equipment, for which a straight-in precision instrument approach procedure has been approved or planned.
- (19) Prohibited Use means the associated land use groups are at a level of intensity or density, or location, which presents a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use (refer to 'N' Conditional Use in Land Use Matrix Table).
- (20) Property Owners means those listed as owners of property on the records of the Greenwood County Tax Assessor.
- (21) Runway End means existing physical end of the hard-surfaced runway, having a defined coordinate and elevation.
- (22) Structure means any object, constructed or installed by human labor, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines. The primary structure on a lot, or a building that houses a principal use.
- (23) Use means the principal activity or function that actually takes place or is intended to take place on a parcel.
- (24) Variance means a grant of permission by the County Board of Zoning Appeals that authorizes a person, owing to conditions peculiar to the property, in which a literal enforcement of the Ordinance would result in unnecessary and undue hardship.
- (25) Zoning Permit means a permit issued by the Planning Department that authorizes the recipient to make use of property in accordance with the requirements of the Ordinance.

### **Section 6-3-85. Height Restrictions and Limitations.**

(a) *Height Restriction Zones Established.* In order to carry out this ordinance, certain zones are hereby created and established by FAR Part 77, which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surface, and conical surface as they apply to the Greenwood County Airport. Such zones are shown in plan and profile view on Greenwood County Airport Part 77 Airspace Zones, which consist of one (1) sheet, prepared by Greenwood County dated 2017. The various zones are hereby established and defined as follows:

#### Part 77 Airspace Zones:

- (1) Approach Zones. The approach zones are the areas beneath the Part 77 approach surface, as defined by Part 77, §77.19(d), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.
- (2) Primary Zone. The primary zone is that area of the primary surface, as defined by Part 77, §77.19(c), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.
- (3) Transitional Zones. The transitional zones are the areas beneath the Part 77 transitional surface, as defined by Part 77, §77.19(e), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.
- (4) Horizontal Zone. The horizontal zone is the area beneath the Part 77 horizontal surface, as defined by Part 77, §77.19(a), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.
- (5) Conical Zone. The conical zone is the areas beneath the Part 77 conical surface, as defined by Part 77, §77.19(b), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.

(b) *Height Limitations.* No structure or tree shall be erected, altered, allowed to grow or maintained in the airport zones to a height in excess of the height limit as determined by the aerial contours appearing on the Greenwood County Airport Part 77 Airspace Zones Map, Threshold Siting Zones Map, or referred to in Section 6-3-85 of this Document. The property owner of a tree, determined to be an airport hazard, shall be responsible for bringing such tree into conformance with this ordinance within one month after notification by the Engineering Department.

### **Section 6-3-86. Land Use Restrictions and Limitations**

(a) *Land Use Restriction Zones Established.* In order to carry out this Ordinance, certain zones are hereby created and established, which include land lying beneath the Airport Land Use Zones as they apply to the Greenwood County Airport. Such zones are shown in plain view on the Greenwood County Airport Land Use Zones Map,

prepared by Greenwood County, and dated 2017. An area located in more than one (1) of the zones described herein is considered to be only in the zone with the more restrictive limitation. There are hereby created and established the following Airport Land Use Zones:

- (1) *Zone A.* Zone A is the Runway Protection Zone, as defined in the Federal Aviation Administration Advisory Circular 150/5300-13A, Section 310, or in successor FAA advisory circulars.
- (2) *Zone B1.* Zone B1 is that portion of the Approach Zone to where each approach surface is 150 of height above their respective runway end elevations, not including Zone A.
- (3) *Zone B2.* Zone B2 is that portion of the Approach Zone, from the outer edge of Zone B1 to the end of the Approach Zone, or 10,000 feet from inner edge of the Approach Zone, whichever it reaches first.
- (4) *Zone C.* Zone C is formed by offsetting the primary surface edge outward by 1,050 feet, and extending each of its ends to its respective runway end's Approach Zone, or extended and squared off at the outer edge of Zone B1, whichever that extension reaches first.
- (5) *Zone D.* Zone D is those areas of the Transitional and Horizontal Zones not part of Zones A, B1, B2, or C.
- (6) *Zone E.* Zone E is identical in area, dimensions, and location to the Conical Zone.

(b) *Land Use Limitations.* Such applicable land use limitations are hereby established for each of the Airport Land Use Zones in order to prevent incompatible land uses which would compromise aeronautical activity at the Greenwood County Airport, to protect people and property on the ground in case of an accident, to limit population and building density in the runway approach areas, to create sufficient open space, and to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Greenwood County Airport, and minimize injury to the occupants of aircraft involved in accidents. The following land use limitations within Zones A, B1, B2, C, D, and E shall apply to those portions of the parcel contained within the underlying zones as indicated on the attached Greenwood County Airport Land Use Zones Map.

**Greenwood County Zoning Ordinance**  
**Regulated Land Use Guidance for Overlay Zones A, B1, B2, C, D, E \***

<b>Airport Land Use Zone Designation</b>	<b>Zone A</b>	<b>Zone B1</b>	<b>Zone B2</b>	<b>Zone C</b>	<b>Zone D</b>	<b>Zone E</b>
<b>Agriculture, Farming &amp; Animal Keeping</b>						
Crop Production - Dry and Irrigated Farming	C (1,2)	Y	C (2)	C (1,2)	Y	Y
Specialty Crops, Nurseries/Greenhouses, Landscape Materials	N	Y	Y	C (1,2)	Y	Y
Row-Crop Processing and Packaging, Wineries	N	Y	Y	N	Y	Y
Animal Processing and Packaging	N	C (2,3)	Y	N	Y	Y
Truck Farming, Roadside Stands, Farmers Markets	N	C (2,3)	C (2,5)	N	Y	Y
Pasture and Rangeland Grazing	N	Y	Y	Y	Y	Y
Animal Feed Lots (Commercial Hogs, Dairies)	N	Y	Y	N	Y	Y
Animal Feed Lots (Commercial Poultry)	N	N	N	N	Y	Y
Game Preserves, Fish Farming	N	N	C (2)	N	Y	Y
Feed Lots, Stockyards, Animal Commodity Sales Yards	N	C (2)	C (2)	N	Y	Y
Animal Hospital, Veterinary Clinic, Kennels, Pet Boarding	N	C (3)	C (5)	N	Y	Y
Equestrian Facilities, Exotic Animals	N	C (3)	C (5)	N	Y	Y
<b>Public Use Facilities, Institutions &amp; Utilities</b>						
Civic-Use Convention Center, Auditorium, Concert Hall	N	N	N	N	C (1,2)	Y
Schools, Hospitals, and Correctional Facilities	N	N	N	N	C (1,2)	Y
Libraries, Museums, Churches, Day-Care, Social/Civic Clubs	N	N	N	N	C (1,2)	Y
Parks, Athletic Fields, Playgrounds, Picnic Areas	N	N	N	N	C (1,2)	Y
Cemeteries	N	Y	Y	Y	Y	Y
Public Utilities (Excludes Electric Power Plants, Lines)	N	C (1,2)	C (1,2)	N	C (1,2)	C (1,2)
Electric Power Plants and Overhead Transmission Lines	N	C (1,2)	C (1,2)	N	C (1,2)	C (1,2)
Solid-Hazardous Waste, Landfills (Excludes Transfer Stations)	N	N	N	N	N	N
Recycling	N	C (2,3)	C (2,5)	C (2)	C (2)	C (2)
<b>Residential</b>						
Single-Family Residential	N	N	C (7)	N	C (7)	Y
Multi-Family Residential, Mobile Home Units / Parks	N	N	N	N	C (2,6,7)	Y
Group Homes, Convalescent Facilities, Nursing / Family Care	N	N	N	N	C (2,6,7)	Y
Apartments, Duplexes, Townhomes, Condominiums	N	N	N	N	C (2,6,7)	Y
Temporary Housing	N	N	N	N	C (2,6,7)	Y

**Greenwood County Zoning Ordinance**  
**Regulated Land Use Guidance for Overlay Zones A, B1, B2, C, D, E \***

<b>Airport Land Use Zone Designation</b>	<b>Zone A</b>	<b>Zone B1</b>	<b>Zone B2</b>	<b>Zone C</b>	<b>Zone D</b>	<b>Zone E</b>
<b>Commercial Recreational</b>						
Swimming Pools, Water Park, Water Slides	N	N	Y	N	Y	Y
Gyms, Health Spas, Indoor Theaters, Auditoriums	N	N	C (5)	N	C (6)	Y
Bowling Alleys, Skating Rinks, Dance and Pool Halls, Arcades	N	N	C (5)	N	C (6)	Y
Outdoor Theaters, Amusement Parks, Carnivals, Fairs	N	N	N	N	C (6)	Y
Golf Courses, Tennis Courts	N	N	Y	N	Y	Y
<b>Commercial Business, Retail &amp; Services</b>						
Aeronautical Businesses	N	N	Y	Y	Y	Y
General Retail Stores/Complexes, Restaurants, Convenient Stores	N	N	Y	N	Y	Y
General Offices, Executive Offices, Research Facilities	N	C (3)	C (5)	C (4)	Y	Y
Vehicle Sales, Building & Lumber Materials, Food-Beverage Sales	N	N	C (5)	N	Y	Y
Appliance-Equipment Repair Facilities, Vehicle Wash	N	C (3)	C (5)	C (4)	Y	Y
Shopping Malls, Shopping Centers, Home Improvement Centers	N	N	C (5)	N	C (6)	Y
Banks, Financial Institutions	N	N	C (5)	N	C (6)	Y
Gasoline Service Stations	N	N	Y	N	Y	Y
Modular Self-Storage Facilities, Mini Storage Units	N	C (3)	C (5)	C (2)	Y	Y
Personal Health Clinics, Well-Being & Care Facilities	N	N	C (5)	N	Y	Y
Motels, Hotels, Bed & Breakfast	N	N	C (4)	N	C (6)	Y
RV Parks, Camping Areas	N	N	C (4)	N	Y	Y
Mass Transit Facility / Depot	N	N	C (5)	Y	C (6)	Y
Broadcast Studios	N	N	Y	N	Y	Y
<b>Commercial Industrial, Manufacturing &amp; Warehousing</b>						
Manufacturing Facilities, Industrial Plants, Warehousing	N	N	C (5)	C (4)	C (6)	Y
Warehouse, Wholesale, Distribution	N	C (3)	C (5)	C (4)	C (6)	Y
Heavy Industrial/Manufacturing	N	N	C (5)	N	C (6)	Y
Light Industrial/Manufacturing	N	C (3)	C (5)	C (4)	C (6)	Y
Petroleum and Chemical Product Dealers-Bulk Storage	N	C (3)	C (5)	N	C (6)	Y
Mining- Sand, Gravel, Fill Dirt	N	N	C (1,2)	N	C (1,2)	C (1,2)

### Table Key (Abbreviations)

**(Y) Permitted Use:** The associated land use groups are at a level of intensity or density, or location, which is not considered to present a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use.

**(C) Conditional Use:** The associated land use groups are at a level of intensity or density, or location, which are not considered to present a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use, contingent upon attainment of conditions presented (See Conditional Uses Below).

- 1 - Allowed only if use does not interfere with normal Airport operations (as defined by the FAA/South Carolina Aeronautics Commission).
- 2 - Prohibits uses that constitute a hazard to flight, including but not limited to tall physical objects, glare, dust, or other visual or electric interference to a pilot and aircraft, and uses that may attract hazardous wildlife (i.e. ponds that would attract birds, waterfowl).
- 3 - Use intensity restricted to low density up to 4 dwelling units/acre or 10 persons/acre.
- 4 - Use intensity restricted to medium density up to 5-10 dwelling units/acre or 10-25 persons/acre.
- 5 - Use intensity restricted to high density up to 10 dwelling units/acre or more than 25 persons/acre.
- 6 - Use intensity restricted to 100 or less persons per acre.
- 7 - Residential land uses permitted, with Residential Fair Disclosure required.

**(N) Prohibited Use:** The associated land use groups are at a level of intensity or density, or location, which presents a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use.

\* Note: Reference Greenwood County Zoning Map for Location of Zones.

(c) *Other Land Use Requirements.* New residential subdivisions located within Airport Land Use Zones A, B1, B2, C, and/or D requires a Residential Fair Disclosure statement in the purchase contract or rental agreement upon the selling or renting of a residential structure. Residential Fair Disclosure should state:

“This subject property and residential structure considered for purchase or rental located at [insert physical address] is located within 10,000 feet of the Greenwood County Airport. Information regarding Greenwood County Airport can be obtained from the Greenwood County Planning Department upon request.”

Future applications made to Greenwood County requesting approval of manmade structures, which also require filing a notice with the FAA as per Part 77, §77.9, of Title 14 of the Code of Federal Regulations, or in successor federal regulations, shall first submit a FAA form 7460-1, “Notice of Proposed Construction or Alteration”, to the FAA for a review of impacts to airspace in the vicinity of the Airport, prior to application to the Greenwood County Planning Department. If the FAA determines an adverse impact to the Airport’s airspace may occur, the FAA decision should serve as governing height limitation for such a man-made structure.

## **Section 6-3-87. Nonconformities.**

- (a) *Nonconforming Uses – Regulations Not Retroactive.* This regulation shall not be construed to require the alteration of any lot or removal, lowering, or other change or alteration of any structure not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, or intended use of any property or structure for which the construction or alteration was started or for which a building permit was acquired prior to the effective date of this ordinance.

Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure is hereby required to allow the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Greenwood County Engineering Department to indicate to the operators of aircraft in the vicinity of the airport the presence of such obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the owner of the nonconforming structure. Reference FAA Advisory Circular 70-7460-1K, or successor advisory circulars, for further guidance.

- (b) *Nonconforming Uses – Regulations Are Retroactive.* This regulation shall be construed to require the alteration of any lot or removal, lowering, or other change or alteration of any tree not conforming to the regulations as of the effective date of this ordinance.

Notwithstanding the preceding provision of this section, the owner of any existing nonconforming tree is hereby required to remove the tree or bring the tree height into compliance with the requirement of the specific zone in which the tree is located. The property owner will be notified by the Engineering Department of the nonconforming use, and will be given three months to come into compliance with the ordinance.

- (c) *Existing Structures.* Except as specifically provided in this section, it is not permissible for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. Physical alteration of structures or the placement of new structures on open land is unlawful if they result in an increase in the total amount of space devoted to a nonconforming use or greater nonconformity with respect to land use limitation.

**Abandoned Structures:** Whenever the Greenwood County Building Official determines that a nonconforming structure has been abandoned or more than 80 percent torn down (or damaged more than 80 percent of the current County tax value), physically deteriorated, or decayed, no permit shall be granted that would allow such structure to otherwise deviate from the height and land use regulations.

Temporary Structures: Temporary structures constructed or erected incidental to a development, and solely used for the designated purpose, can only remain while needed and for a maximum of one year.

**Section 6-3-88. Permit Requirements.**

- (a) *Permits Required – Existing Uses.* Before any existing use or structure may be replaced or substantially altered within any area of the Airport Height or Land Use Restriction Zones, a permit shall be secured authorizing such replacement, change or repair. No such permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use when the application for a permit is made. Except as indicated, all applications for a permit for replacement change or repair of an existing structure shall be granted.
- (b) *Permits Required – Future Uses.* No change shall be made in the use of land or increasing or establishing a structure or tree unless a permit therefore shall have been applied for and granted by the County Building Official. Each application shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use or structure would conform to the regulations prescribed in this article.

No permit for a use inconsistent with the provisions of this ordinance shall be granted unless a variance has been approved in accordance with Section 6-3-89 (f).

The Greenwood County Building Official shall not issue a building permit for the construction of any new structure within the Airport Height Restriction or Land Use Zones established in Section 6-3-85 (a) and Section 6-3-86 (a), and as depicted on the Greenwood County Airport Land Use, Part 77 Airspace, or Threshold Siting Zones Map unless approved by the Greenwood County Planning Director or his/her designee.

No permit of any type shall be issued for any development, building permit or activity subject to parcel areas underlying Airport Land Use Zone A and Zone B1 herein defined, until the Greenwood County Airport has an opportunity to award an aviation easement to the property owner(s) in a form prescribed by the Airport Manager, and as recorded in a form acceptable to Greenwood County.

- (c) *Permit Applications.* A permit application, as required per Section 6-3-88 (a), shall accompany a preliminary plat to contain the information necessary for issuance of a permit. A non-refundable application fee as per the current Greenwood County Planning Department fee schedule shall be submitted with the permit application.

- (d) *Review by County Engineer.* No permit regulated by this ordinance shall be issued by the Building Official unless approved by the County Engineer, or his/her designee.
- (e) *Violations.* Permits shall be valid until revoked. The Building Official may periodically inspect the structure(s) and land use to determine continued compliance with this ordinance. If the land use or obstruction is in violation, the Building Official shall advise the owner in writing of the violations and of action necessary to bring the obstruction or land use into compliance. Failure by the owner to correct violations within 120 days of notification shall constitute grounds for revocation of the permit. Further, violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by the Greenwood County Code of Ordinances.
- (f) *Revocation of Permit.* Valid permits may be revoked by the Building Official for any of the following reasons:
- (1) Incorrect or misrepresented information on the permit application.
  - (2) Failure to construct structure in accordance with application and permit.
  - (3) Any other violation of this ordinance.

In the event the permit is revoked, the Building Official shall advise the owner in writing of the status of the permit, the action necessary to correct the violation and of the enforcement techniques available to the County to remedy continued violation. When the Building Official determines that the structure or land use has been brought back into compliance with this ordinance, the Building Official shall reinstate the permit.

### **Section 6-3-89. Legal Provisions.**

- (a) *Enforcement.* The ordinance may be enforced by any one or more of the remedies authorized by the South Carolina Code of Laws, Title 55, Sections 55-9-250, 55-9-260, 55-9-280, 55-9-300, 55-9-320, and 55-9-330.
- (b) *Complaints.* Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Building Official stating the cause and basis for the complaint. The Building Official shall record the complaint, investigate and take such action as may be necessary to enforce this ordinance.
- (c) *Severability.* Should any section or provision of this ordinance be declared by the courts to be invalid for any reason, such declaration shall not affect the ordinance as a whole, or any part thereof other than the part so declared to be invalid.
- (d) *Amendment.* Petitions for amendment may be filed with the Greenwood County Planning Department by any citizen of the County, any county department or agency, the Greenwood County Planning Commission or Council.

(e) *County Council Review.* The provisions and requirements of this ordinance may be amended by the County Council according to the procedure set forth:

- (1) County Engineering Department - No amendment shall become effective unless it shall have been proposed by or shall have been reviewed and recommended for approval by the County Engineering Department.
- (2) County Planning Commission Review - No amendment shall become effective unless it shall have been proposed by or shall have been reviewed by the Planning Commission. The Planning Commission shall have 45 days in which to review the proposed amendment and to make recommendation to the County Council. If the Planning Commission, or designee, fails to report to the Council within 45 days, it shall be deemed to have approved the proposed amendment.
- (3) County Council Review - No amendment shall become effective until after being adopted by the County Council.

(f) *Variance and Exception.* The Board of Zoning Appeals may issue variances and exceptions from the requirements of this ordinance such that would not be contrary to the public interest, or the spirit and intent of this ordinance, and where due to special conditions, a literal enforcement of the provisions of this ordinance would result in an unnecessary hardship. In granting a variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards as it deems necessary to preserve the intent of this ordinance. In granting a variance or exception to this ordinance, the Board of Zoning Appeals must determine the following:

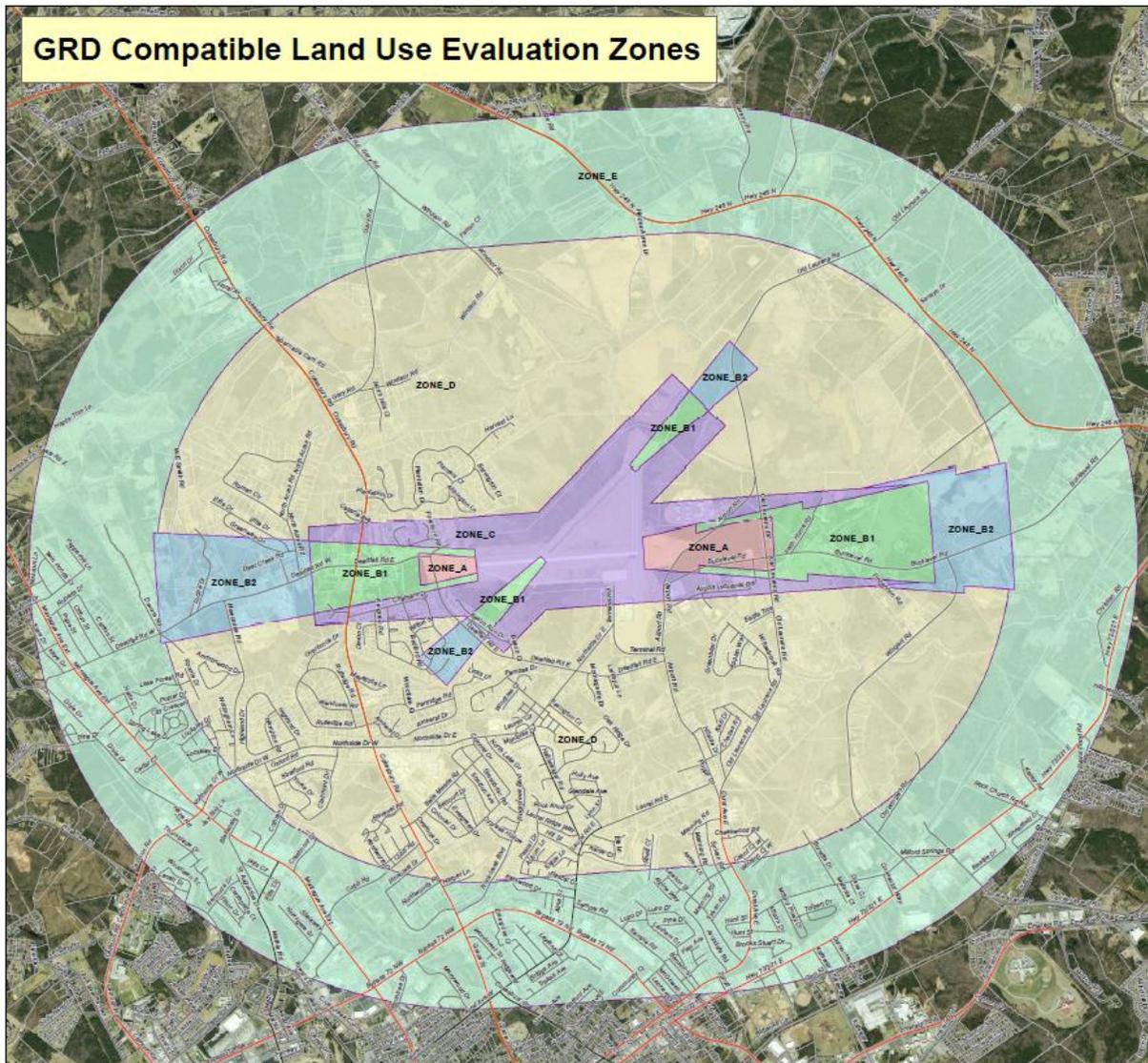
- (1) Special conditions and circumstances exist which are peculiar to the land or buildings involved and which are not applicable to other land or buildings.
- (2) The literal interpretations of the provision of this ordinance would deprive the applicant of rights commonly enjoyed by other properties.
- (3) Special conditions and circumstances do not result from the actions of the applicant.
- (4) Granting the variance required will not confer on the applicant any special privilege that is denied by this ordinance to other- lands or- buildings.
- (5) Any request for a variance to the Height Restrictions & Limitations portions of this Ordinance shall be accompanied by a finding from the Federal Aviation Administration or the SC Aeronautics Commission as to the impact the variance may have on the safe, efficient use of the airport and its airspace.

Issuance of a variance shall not set precedence and each case shall be reviewed independently of others.

(g) *Appeal.* The Board of Zoning Appeals shall hear and decide appeals and review any orders, requirements, decisions or determinations made by the enforcement officer responsible for administration or enforcement of this ordinance. The Board of Land Use and Zoning Appeals decision is subject to review by the circuit court in and for Greenwood County, as per the South Carolina Code of Laws, Title 6, Section 6-29-820.

## SECTION II.

The zoning ordinance is hereby amended so that the area identified is included within the Airport Overlay Zone as detailed in the Greenwood County Airport Part 77 Airspace Zones as established by the South Carolina Aeronautics Commission:



SECTION III.

All other ordinances or parts of ordinances not consistent herewith are hereby repealed.

SECTION IV.

This ordinance shall be effective upon adoption on second reading.

DONE AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2017, at Greenwood, South Carolina.

ATTEST:

Greenwood County Council

\_\_\_\_\_  
Toby Chappell  
County Manager

\_\_\_\_\_  
Steven J Brown  
Chair